

This is an appeal from a preliminary hearing. K.S.A. 44-511 limits the jurisdiction of the Appeals Board. The Appeals Board has jurisdiction to review decisions from a preliminary hearing in those cases where one of the parties has alleged the administrative law judge exceeded his or her jurisdiction. This includes specific jurisdictional issues identified in K.S.A. 44-534a, as amended. A contention that the Administrative Law Judge has erred in his finding that the evidence showed a need for medical treatment and temporary total disability benefits is not an argument the Appeals Board has jurisdiction to consider. K.S.A. 44-534a, as amended, grants authority to an administrative law judge to decide issues concerning the furnishing of medical treatment, including the payment of past medical compensation and the payment of temporary total disability compensation.

The respondent and its insurance carrier may preserve those issues for final award as provided by K.S.A. 44-534a(a)(2), as amended. That statute provides in pertinent part:

Except as provided in this section, no such preliminary findings or preliminary awards shall be appealable by any party to the proceedings, and the same shall not be binding in a full hearing on the claim, but shall be subject to a full presentation of the facts.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that it does not have jurisdiction to review at this juncture of the proceedings the preliminary hearing Order dated October 17, 1997, entered by Administrative Law Judge Floyd V. Palmer and that this review should be, and hereby is, dismissed.

IT IS SO ORDERED.

Dated this ____ day of January 1998.

BOARD MEMBER

c: Jack L. Heath, Topeka, KS
Jeffrey S. Austin, Overland Park, KS
Floyd V. Palmer, Administrative Law Judge
Philip S. Harness, Director